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3 UNITED STATES DISTRICT COURT4
5 DISTRICT OF NEVADA6
7 UNITED STATES OF AMERICA,
8
9

v.

Plaintiff,

CHARLES EARL GRANDERSON,

Case No. 3:15-cr-00039-HDM-CSD

Defendant.

ORDER

10 On August 26, 2024, the court denied the defendant's *pro se*
11 "Motion to Modify Probation Term/Condition." The defendant moved
12 for reconsideration (ECF No. 147). On October 21, 2024, the court
13 directed the defendant to supplement his motion to provide evidence
14 that he has a valid medical prescription for a product that does
15 not violate federal law.

16 In response, the defendant has submitted: (1) a letter from
17 a doctor at Texas Medical Marijuana Doctors reflecting that the
18 defendant is qualified to be treated with medical marijuana under
19 Texas law; (2) a letter from a clinical psychologist that he has
20 diagnosed the defendant with PTSD; (3) a printout from the
21 Compassionate Use Registry of Texas, reflecting the two
22 prescriptions issued by Texas Medical Marijuana Doctors; and (4)
23 a medication summary from the Bureau of Prisons dated August 17,
24 2023, indicating that the defendant was prescribed "levetiracetam"
25 to treat seizures. (ECF No. 149 at 3-9).

26 Texas law allows doctors to prescribe "low-THC marijuana" for
27 treatment of several enumerated conditions, and said prescriptions
28 are entered into the Texas Compassionate Use Registry. See Tex.

1 Occ. Code Ann. § 169.003; *id.* § 169.004; <https://www.dps.texas.gov/section/compassionate-use-program/faq/compassionate-use-registry-texas-curt> (last accessed Dec. 11, 2024). “Low-THC”
2 marijuana is defined as “the plant *Cannabis sativa L.*, and any
3 part of that plant or any compound, manufacture, salt, derivative,
4 mixture, preparation, resin, or oil of that plant that contains
5 not more than one percent by weight of tetrahydrocannabinols.”
6 Tex. Occ. Code Ann. § 169.001 (emphasis added). By contrast, to
7 not be considered marijuana under federal law, the THC
8 concentration of a product must fall below 0.3%. See 21 U.S.C. §
9 802(16)(B); 7 U.S.C. § 1639o. Thus, that the defendant’s
10 prescriptions are on the Texas Compassionate Use registry
11 establishes only that his prescriptions qualify as “low-THC
12 marijuana” under Texas law and does nothing to answer the question
13 of whether they are a legal drug under federal law. As the court
14 does not have the authority to grant a defendant on supervised
15 release permission to use medical marijuana, *see United States v. Schostag*, 895 F.3d 1025, 1028 (8th Cir. 2018) (“[C]ourts cannot
16 amend conditions to contradict federal law.”); *United States v. Dimmer*, 2023 WL 5747316, at *2 (W.D. Wash. Sept. 6, 2023); *United
17 States v. Perla*, 2021 WL 461881, at *3 (W.D. Pa. Feb. 9, 2021)
18 (collecting cases), the defendant’s request for permission to use
19 the two prescriptions issued by the Texas Medical Marijuana Doctors
20 will be denied.

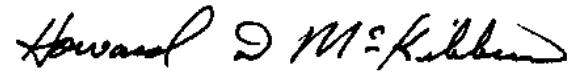
21 With respect to the defendant’s claim that he has been
22 prescribed Epidiolex to treat seizures, the defendant has produced
23 no evidence of any such prescription. Rather, he provides evidence
24 that he has in the past been treated for seizures, but with

1 "levetiracetam" - not Epidiolex. Levetircetam does not appear to
2 be a cannabis-derived product for which the defendant would need
3 the court's permission. Accordingly, the defendant's motion for
4 permission to use Epidiolex will be denied.

5 In accordance with the foregoing, the defendant's motion for
6 reconsideration (ECF No. 147) is DENIED WITHOUT PREJUDICE.

7 IT IS SO ORDERED.

8 DATED: This 2nd day of January, 2025.

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11 UNITED STATES DISTRICT JUDGE

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